

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

MAR 20 2015

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Israel Prieto-Anorbe

A094 926 600

YOB: 1994

Principal

Mexico

Daniel Lara-Zanella

A208 153 210

YOB: 1982

Co-Principal

Mexico

Case Number:

M-15-0417-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 18, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Marvin Rodolfo Mendez-Perez and Wilson Marroquin-Sales, citizens of Guatemala and sixteen (16) other undocumented aliens for a for a total of eighteen (18), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near McAllen, Texas to the point of arrest near McAllen, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 18, 2015, FIT Agents were conducting surveillance at the Fallas Paredes shopping center in McAllen, Texas. Agents J. Carpio and H. Almaguer observed one person transferred from a white Chevrolet pick-up to a brown F-150 in the parking lot of the shopping center. This shopping center is a known location for narcotics and undocumented aliens to change hands. After witnessing the subject board the F-150, agents followed the truck to 1505 Campeche Street in Donna, Texas.

NOTE: 1505 Campeche Street is known to be owned by an illegal alien smuggler. The owner of the house was the named in a complaint from August 2014, and a warrant was issued for his arrest, but he was never formally charged due to agents not locating him.

SEE ATTACHED

Continued on the attached sheet and made a part of this complain

☒ Yes ☐ No

approved for filing

Signature of Complainant

Avon
Sworn to before me and subscribed in my presence,

Julio Ibarra Senior Patrol Agent
Printed Name of Complainant

March 20, 2015
Date

8:57 AM at

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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CONTINUATION:

At the residence, the brown F-150 pulled in behind the house. Shortly after, the vehicle departed 1505 Campeche Street, and drove westbound on Expressway 83 toward the McAllen, Texas. The vehicle exited Expressway 83 several times and made U-turns, in an obvious attempt to try and lose anyone who may have been following them. The vehicle finally arrived at 10th Street in McAllen, Texas, and made several U-turns, still attempting to throw off any would-be followers. The F-150 eventually arrived back at the same Fallas Paredes shopping center where surveillance was initiated.

McAllen Police Department was contacted to assist, and while agents were waiting for him to arrive, they witnessed the front seat passenger of the F-150 exit the truck and enter the Fallas Paredes store. He later exited the store with another subject and boarded the truck. Also, they witnessed two additional subjects board the brown Ford F-150. The vehicle remained in the Fallas Paredes parking lot for approximately ten more minutes and then departed, heading north on 23rd Street.

Officer C. Flores (Badge # 11750) arrived at the shopping center before the F-150 departed, and he followed them to 124 E. Business 83 in McAllen, Texas, where he performed a vehicle stop for having tinted windows in excess of legal standards and no insurance on the vehicle. Officer Flores questioned the occupants of the vehicle and advised FIT Agents that none of the five subjects had any identification. FIT Agents arrived and determined the driver, identified as Israel PRIETO-Anorve, was present in the United States legally with an employment authorization card. The front seat passenger, identified as Daniel LARA-Zanella, claimed to be illegally present in the United States. The remaining three occupants claimed to be citizens of Guatemala, and illegally in the United States.

PRIETO and LARA was read their Miranda Warnings. At that time, both subjects stated that they understood their rights and waived their right to have an attorney present during questioning.

PRIETO admitted he had picked up the three subjects at the Fallas Paredes but denied any knowledge of alien smuggling. He stated LARA was the person who instructed him to pick them up. He also stated that he was going to take the three illegal aliens to his friends house. PRIETO kept changing his story, contradicting previous statements.

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LARA admitted he and PRIETO were taking the three subjects to the house on Campeche. He also stated there were approximately ten additional subject that were locked in the house at Campeche and nobody else would be caring for them. LARA told agents that earlier in the day, he and PRIETO had dropped off four pizzas for the subjects at that house. LARA stated that PRIETO had gained access to the house with a key that was hidden in the stucco siding. LARA, however, told agents he could not provide consent to enter the house due to the fact he was not in charge or renting the house.

HSI Special Agent Christopher Sullins was contacted, and agreed to assist in a knock and talk at 1505 Campeche. Agents initially did not receive a response from inside the house, so LARA called to the people inside through an open window, and subjects from within the house responded to him. LARA told them to try and open the front door, but they could not because there were no handles or knobs on the inside of the door, and it was locked with two dead bolts.

Hidalgo County Constables were monitoring the back of the residence, and saw people moving near a window. The Constable told them to go to the front of the house and open the door. The subjects went toward the front of the house, but later returned to the rear of the house and exited the house through the window on their own accord, due the door being locked. Eleven subjects, all of which were undocumented aliens from Guatemala, exited the house. Those subjects were interviewed, and it was determined that there were additional subjects still inside the house. Agents made entry into the house through the window and found an additional four undocumented aliens from Guatemala inside the house.

All subjects were transported to the McAllen Border Patrol Station for processing.

PRINCIPALS' STATEMENTS:

- 1- At the station, PRIETO decided he did not want to provide any additional statements without the presence of an attorney. All questioning stopped.
- 2- LARA was still willing to provide a statement without the presence of an attorney.

LARA stated that he was being trained by Israel PRIETO Anorve, AKA Dickey, on how to pick up and transport undocumented aliens. LARA told agents he has assisted PRIETO smuggle aliens twice, and has help transport a total of five people. On the date of his arrest, PRIETO already had two illegal aliens with him when he picked up LARA at Taqueria El Zarape. PRIETO then took LARA to Fallas Paredes in order to purchase some shirts. LARA stated during the time he walked into Fallas Paredes, PRIETO had acquired another undocumented alien. According to LARA, before they were pulled over by the police, they were en route to 1505 Campeche Drive.

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LARA stated he has not been paid to smuggle aliens, because he was in training. In the future he was to be paid \$100 USD per individual successfully transported. LARA also stated he fears going back to Mexico due to the fact that PRIETO'S family is heavily involved in alien smuggling, and he is afraid of retaliation.

MATERIAL WITNESSES' STATEMENTS:

1- Marvin Rodolfo Mendez-Perez, a citizen of Guatemala, claims to have been charged \$7,500 (USD) to be smuggled to Boca Raton, Florida. Mendez claimed to have illegally crossed the Rio Grande River, and then walked to an abandoned house. He stayed there for two days until a brown Ford pick-up arrived and picked him up and another individual at the house with him. Mendez identified PRIETO in a photo lineup as the person who transported him from the abandoned house. Shortly after being picked up, PRIETO stopped at a McDonalds and picked up the passenger, who Mendez identified as LARA. They then drove to a store so LARA could buy a shirt. While they were at the store, another subject boarded the truck. According to Mendez, PRIETO told them law enforcement was watching them, so he tried to stall in the parking lot. When he finally left the store, PRIETO told everyone in the truck to say they were coming from work.

2- Wilson Marroquin-Sales, a citizen of Guatemala, claimed to have been charged \$3,000 (USD) to be smuggled to the United States. After illegally crossing the Rio Grande River, Marroquin was picked up by a red pickup truck from an abandoned house. They then traveled to a gas station. Marroquin identified the driver of the red truck as PRIETO. PRIETO met up with a white minivan, and ordered Marroquin to exit the red pickup and board the minivan. He was then transported along with another UDA to the stash house he was arrested at today. Once at the stash house, the caretaker, who he identified as LARA, dropped off McDonalds for them to eat. At the time he arrived, there was approximately, 15 UDAs already at the stash house. According to Marroquin, PRIETO dropped off undocumented aliens at that house several times, to include 2 between 3 and 4 pm on the day he was arrested.

3- Vicente Perez-Perez, a citizen of Guatemala, claimed to have been charged \$3,000 (USD) to be smuggled to the United States. After illegally crossing the Rio Grande River, Perez was taken to a house. Perez states from the house he was taken in a grey truck to store where he was dropped off and picked up by a tan truck occupied by a driver, passenger and two subjects in the back. Perez identified the driver of the tan truck as PRIETO and the passenger as LARA. He was then transported along with two other UDA's to the stash house he was arrested at today.